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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/469,506

12/22/1999

MICHAEL O'DELL

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10/18/2004

MCI, INC

TECHNOLOGY LAW DEPARTMENT  
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WASHINGTON, DC 20036

EXAMINER

NGUYEN, HANH N

ART UNIT

PAPER NUMBER

2662

DATE MAILED: 10/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/469,506

Applicant(s)

O'DELL ET AL.

Examiner

Hanh Nguyen

Art Unit

2662

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 18 August 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See attachment.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

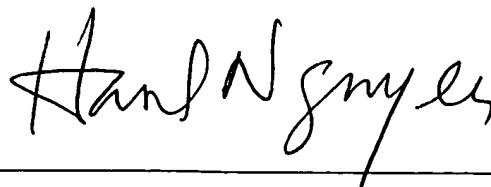
Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: \_\_\_\_\_.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_



*Attachment*

In claims 1, 10, 19, Applicant argues that:

the single site of Gidwani do not constitute a local area network comprising plurality of endusers. The billing method of Gidwani is a traditional billing, not a dynamic service selection where endusers can access multiple network services.

In response to the arguments, Gidwani discloses, in Figure1, multiple telephones 106-112, a video conferencing station 114, fax modems 102, 114 constitute a customer premises (a local area network comprising plurality of end users ). See col.20, line 65 to col.21, line 35. In Fig.25a, 25b, end users select different class of services such as VOIP, PSTN, video on demand movie, or a remote video recorded program (dynamic service selection). See col.61, lines 20-25. A billing server 128 (Fig.1) processes billing options (see Fig.25b)selected by endusers. The billing statement is well-known in the art to include end users information.

Examiner believes that the combination of Gidwani with Wang et al. is maintained.

In claims 8, 17 and 23, Applicant would like to see a reference that shows packet conforms with Ethernet V2 format. Examiner believes that **Wang et al.** discloses, in Fig.2, PC users transmit Ethernet packet via an ADSL or cable modem (packet transmitted in Ethernet broadband interface) (see col.5, lines 37-50). In ADSL modem, Ethernet packet is transmitted in high speed to provide best service to customer. Therefore, it would have been obvious to one skill in the art that transmitting Ethernet packet via a cable modem or ADSL modem conforms with Ethernet V2 format.